



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

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APPROVED

Board of Selectmen Meeting Minutes

Monday, April 29, 2013 at 6:00 P.M. **Tyngsborough High School Auditorium**, 36 Norris Road
Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectwoman Karyn Puleo, Selectman Corliss Lambert, Selectman Allen Curseaden
Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "Chairman Jackson read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman opened the meeting at 6:00 PM. The Pledge of Allegiance was recited. The Agenda was read by Rick Reault, Clerk. The Board was introduced.

2. Street Acceptance Hearing

- A. Ashford Drive, Belfair Lane, Bridle Path Way, Brookview Circle, Chandler Road, Chard Road, Chelsea Way, Connell Drive Extension, Constance Drive, Daisy Lane, Dane Circle, Demauro Drive, Descheneaux Lane, Diamond Street, Emerald Street, Florence Way, Independence Drive, Jamie Way, Jasper Lane, Kristen Way, Laurel Lane, Liberty Lane, Mackey Drive, Mayflower Way, Michigan Road, Minuteman Drive, Montana Drive, Nevada Road, Old Hickory Road, Old Stonehill Road, Pilgrim Circle, Ridge Road, Sleepy Hollow Lane, Strawberry Hill Lane, Sunset Way, Trinity Drive, Vermont Road, Violet Lane, Waterway Place, and Wintergreen Drive

The Clerk read the legal notice sent to all abutters on the roadways to be accepted. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to open the hearing. The hearing opened at 6:20PM. The Town Administrator read the names of the roads to be accepted, the Chairman asked the abutters if they wanted to speak in favor for or against the acceptance.

- Ashford Drive: No one came forward to speak against, one abutter spoke in favor asked about the procedure for acceptance, Jesse Johnson, Planning Board consultant explained the process of acceptance.
- Belfair Lane: No one came forward to speak against, nor speak for the acceptance.
- Bridle Bath Way: No one came forward to speak against, nor speak for the acceptance.
- Brookview Circle: No one came forward to speak against, nor speak for the acceptance.
- Chandler Road: No one came forward to speak against, nor speak for the acceptance.
- Chard Road: No one came forward to speak against, nor speak for the acceptance.
- Chelsea Way: No one came forward to speak against, nor speak for the acceptance.
- Connell Drive Extension: No one came forward to speak against, nor speak for the acceptance.

- Constance Drive: was taken off the acceptance list because the majority of the road is in the City of Lowell. There is only one house that is in Tyngsborough that borders on a small portion of the cul-de-sac.
- Daisy Lane: No one came forward to speak against, nor speak for the acceptance.
- Laurel Lane: No one came forward to speak against, nor speak for the acceptance.
- Violet Lane: No one came forward to speak against, nor speak for the acceptance.
- Demauro Drive: No one came forward to speak against, nor speak for the acceptance.
- Liberty Lane: No one came forward to speak against, nor speak for the acceptance.
- Descheneaux Lane: No one came forward to speak against the acceptance. Mr. Stephen Jeannette came forward to speak for acceptance and to thank the Board for processing Descheneaux Lane for acceptance.
- Diamond Street: No one came forward to speak against, nor speak for the acceptance.
- Emerald Street: No one came forward to speak against, nor speak for the acceptance.
- Florance Way: No one came forward to speak against, nor speak for the acceptance.
- Jasper Lane: No one came forward to speak against, nor speak for the acceptance.
- Kristin Way: No one came forward to speak against, nor speak for the acceptance.
- Mackey Drive: No one came forward to speak against, nor speak for the acceptance.
- Michigan Road: No one came forward to speak against; Mr. John Danielle came forward to speak for the acceptance and asked about the process for the follow up, Mr. Jesse Johnson, Planning Board Consultant explained the process and that it has started.
- Nevada Road: No one came forward to speak against, nor speak for the acceptance.
- Montana Drive: No one came forward to speak against, nor speak for the acceptance.
- Jamie Way: No one came forward to speak against, nor speak for the acceptance.
- Pilgrim Circle: No one came forward to speak against, nor speak for the acceptance.
- Minute Drive: No one came forward to speak against, to speak in favor Kathleen Spaeth came forward to thank the Town Administrator for answering her questions and the Board for putting a contact number information in the notice so that anyone with a question could call. Ms. Spaeth was concern about the taking of the easement, does the Town have a right to do the taking of the easement, Town Counsel answered yes. Ms. Spaeth thanked Town Counsel for his explanation and answer to her question.
- Mayflower Way: No one came forward to speak against, nor speak for the acceptance.
- Sunset Way: No one came forward to speak against, nor speak for the acceptance.
- Trinity Drive: No one came forward to speak against; Mr. Richard Loder came forward to speak in favor of the acceptance and questioned who was responsible for damages to vehicles or if anyone gets hurt if they get caught in the pot holes in the street. Town Council explained that if the way is open as a public way and if the Town has notice and repairs the pot holes within a certain period of time the Town is not liable. If the road is accepted the Town has jurisdiction and can rebuild the road. Mr. Donald Green is in favor and has identified that the whole section of the cul-de-sac has deteriorated and is in dire need of repairs. Selectman Lambert thanked Selectman Jackson for his part in expediting the process of acceptance of the roads.
- Ridge Road: No one came forward to speak against, Ms. Nancy Lanza-Welch is in favor or accepting Trinity Drive and Ridge Way and also mentions the deplorable condition of the roads, Ms. Lanza-Welch asked why the Town cannot go after the developer for funds for the repairs. Town Counsel explained about the building and the bond money that is associated with the building of the road, some 20 years back the Planning Board did not keep up with the projects and fell behind. Mr. Philip Borrello spoke in favor of the acceptance and asks if all does move forward how long will it take to fix, it would take while because of funding and that it would take more money than allocated through Chapter 90 Funds from the State. Mr. Gerard Frater is frustrated with the process but is in favor of accepting. Mr. Peter Tsianakis is in favor of accepting Ridge Road wanted to know why the Town does not use tax dollars to repair the roads, the Chairman answered that the Town depends on State Funds to help with

the maintenance. The Town Administrator explained the cost associated with rebuilding the road and that it would be in a five year plan and the Highway Forman would place the road on a priority list.

- Independence Drive: No one came forward to speak against, a resident from Independence Drive came forward and thanked everyone for trying to fix the road, it is an embarrassment.
- Waterway Place: No one came forward to speak against, a resident of 8 Waterway Place came forward and is in favor of having the road accepted, Waterway Place needs no repairs, but the resident did ask about the process in accepting roads Town Counsel explained the process that the Town follows to accept and then use funds to repair. Ms. Ellie Athas is also in favor.
- Wintergreen Drive: No one came forward to speak against, nor speak for the acceptance.
- Sleepy Hollow Drive: No one came forward to speak against, nor speak for the acceptance.

The Board voiced their full support in the acceptance of the 39 roads. Remainder of the unaccepted roads to be on the accepted list is in need of administrative research for the proper rights of way takings.

A resident of Hillcrest Drive spoke up about the deplorable conditions of the road and has been complaining for five years, and the street is not on the list for acceptance. Hillcrest Drive is one of 24 roads in the administrative step to find additional bounds and is in need of a plan. The older roads did have plans.

Michael Roche and Ann Schaefer thank the Board for adding Descheneaux Lane to the list.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to close the hearing.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert, the Board having complied with statutory requirements by conducting a public hearing after notice to abutters, the Board of Selectmen, pursuant to M.G.L. c. 82, subsections 21 through 24, and M.G.L. c. 79 subsections 1 and 2, lays out the following roads as public ways: Ashford Drive, Belfair Lane, Bridle Path Way, Brookview Circle, Chandler Road, Chard Road, Chelsea Way, Connell Drive Extension, Daisy Lane, Dane Circle, Demauro Drive, Descheneaux Lane, Diamond Street, Emerald Street, Florence Way, Independence Drive, Jamie Way, Jasper Lane, Kristen Way, Laurel Lane, Liberty Lane, Mackey Drive, Mayflower Way, Michigan Road, Minuteman Drive, Montana Drive, Nevada Road, Old Hickory Road, Pilgrim Circle, Ridge Road, Sleepy Hollow Lane, Strawberry Hill Lane, Sunset Way, Trinity Drive, Vermont Road, Violet Lane, Waterway Place, and Wintergreen Drive, and accepts said way and any related drainage, water or sewer facilities or easements, all as shown on plans and profiles included in the document entitled "Street Acceptance Package, Sleepy Hollow Lane, Planning Board Approved: February 7, 2013 and "Street Acceptance Report, Planning Board Approved: April 4, 2013", which plans and where available profiles have been deemed satisfactory. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert, the Board having complied with statutory requirements by conducting a public hearing after notice to abutters, the Board of Selectmen, pursuant to M.G.L. c. 82, subsections 21 through 24, and M.G.L. c. 79 subsections 1 and 2, lays out the following roads as public way: Old Stonehill Road, and accepts said way and any related drainage, water or sewer facilities or easements, all as shown on plans and profiles included in the document entitled "Street Acceptance Package, Sleepy Hollow Lane, Planning Board Approved: February 7, 2013 and "Street Acceptance Report, Planning Board Approved: April 4, 2013", which plans and where available profiles have been deemed satisfactory, conditioned on agreement being made between the Town and the Homeowners before the Annual Town Meeting for payments of funds to the Town for repair of the road within a time to be determined.

3. Citizen/Business Time – No one came forward

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. Old Business

A. First Parish Church – Discussion

The Board discussed briefly the purchase of the First Parish Church and the repairs. The Board is seeking the use of CPC funds and has approached the Committee. The Committee is meeting on Wednesday May 1 for discussion on a warrant article. The Board is in support of bringing forward a warrant article to the CPC for the purchase of the Church and to appropriate funds for repairs. The Board voted on a motion by Selectwoman Puleo, second by Selectman Lambert to support the article.

B. Annual/Special Town Meeting Warrant – Review and Discuss

The Administrator presented clean copy of the warrant articles for discussion. Articles 4 to 15 are money articles and will review with Finance Committee on Monday May 6; Articles 8 and 9 are asterisk, 8 is an article and 9 is the report by the Capital Asset Management there is no comment on either of these articles at this time. Articles 16-21 - The Administrator is waiting for a final report from the CPC. Articles 22 – Is a request for authorization to sell a parcel of land on Industrial Way. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to place article 22 on the warrant. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectwoman Puleo to recommend the article.

Article 23 Is a request for authorization to sell a parcel of land on Willowdale Road. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to place the article on the Warrant as printed. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to recommend the article as printed.

Article 24 requests an amendment to the Town By-laws by adding a section dealing with the election of a Town employee who is salaried. The Board had a discussion with Town Counsel, the article needing more information the Board has placed it on their next meeting agenda for further clarification and discussion. The Board is requesting the Administrator conduct an analysis of employees receiving a W-2 and a breakdown defining employees by dollars.

Article 25 is to delete the Town By-law dealing with the acceptance of roads. After some discussion the Board will wait until the Planning Board has met and will solicit comments from the Members. Articles 27-31 are articles dealing with Zoning Changes, the Planning Board is meeting on Thursday May 2, the Board will vote to place on the Warrant at the May 6 meeting.

Article 32 is the article for the moratorium on the dispensing of medical marijuana. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to place article 32 on the warrant.

Article 26 is the acceptance of the streets the Board held the hearing and have voted to place the article for acceptance at Town Meeting.

C. FY 2014 budget – Status Update

The Administrator and the Finance coordinator met with the School Superintendent on the School budget and are zeroing on a number and will be reflected in Article 5 discuss and final recommendation will be done on Monday May 6 in a joint meeting with the Finance Committee.

D. Town Accountant – Review/Appoint

The Town Administrator informed the Board that the interview process is ongoing there is one candidate that could not be interview before this evening. A recommendation for an appointment will be available on Monday May 6.

5. New Business

A. Board of Health Administrative Assistant – Accept Appointment

The Board of Health will have a recommendation for an appointment on Monday May 6.

Selectman Lambert asked if the Street Acceptance Package will be in one article, it will be one article with the 39 streets listed. The lights in the center of town are progressing and not to forget that tomorrow is election day please come out and vote.

6. Adjournment

The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to adjourn the meeting at 8:30 PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: Monday May 6, 2013